

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-3, 6, 7, 9 and 10 are currently pending. Claims 4 and 8 are canceled and claim 10 is added. Claims 1, 7, 9 and 10 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §112**

Claim 1 is representative and has been amended to overcome the §112 rejection. Claim 1 recites, *inter alia*:

“receiving contents and content usage rights information from a contents distribution server at a memory storage device remote from the user”

Thus, claim 1 recites that contents and content usage rights are received from a distribution server and stored on a memory storage device that is remote from the user. *See, for example*, Publ. App. pars. [0064]-[0065] and FIGS. 1, 2, 3A-3D and 8.

Note, Applicant reserves the right to argue at a later time that a request of the user instigates this process (“the contents distribution means 3 of FIG. 1 connects to the contents distribution server 100 at the request of the user and acquires the contents CT . . .” Publ. App. par. [0064]).

Applicant respectfully requests withdrawal of the §112 rejections.

### **III. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-3, 6, 7, 9 and were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,697,948 to Rabin *et al.* (hereinafter, “Rabin”) in view of U.S. Patent No. 6,801,999 to Venkatesan *et al.* (hereinafter, “Venkatesan”) and U.S. Patent No. 65,790,935 to Payton.

Applicants respectfully traverse this rejection.

Independent claim 1 recites, *inter alia*:

“sending said warning report data to a report address using an electronic mail or displaying said warning report on a screen connected to the memory storage device when said status code information nears the threshold value of said output setting information, wherein a selection of using an electronic mail or displaying the warning report on the screen is determined based on a predetermined report method in the output setting information.” (emphasis added).

Thus, according to claim 1, the warning report may be distributed by either sending the report in an electronic mail or displaying the report on a display screen. The selection of how the warning report is distributed, electronic mail or display, is determined by a predetermined report

method, which is part of the output setting information that also stores, for example, threshold values of the contents usage rights information.

Thus, in an aspect of the present invention, FIG. 5 is a drawing showing a typical data configuration for output setting information. The output setting information OI contains information such as limit threshold values. The output setting information is the reference used when outputting warning data. The output setting information includes report method information, and report address information. Publ. App. pars. [0058]-[0059].

Moreover, when a warning report is to be sent, the report method in the output setting information is determined. The warning report data, invalidation report data or the deletion report data are distributed after referencing the report method information in the output setting information to determine the reporting method to the user. Thus, when a method is specified for outputting the various report data on the screen is specified as the report method, the various report data are output to the screen display. Alternatively, when outputting the various report data as electronic mail is specified as the report method, the warning report contents are sent as electronic mail to, for example, mail address information of the output setting information. Publ. App. par. [0085]-[0088]

The above recited feature of claim 1 is not disclosed in any of the cited references.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 7, 9 and 10 are also believed to be patentable.

#### IV. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

Claims 1-3, 6, 7, 9 and 10 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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